



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,747	05/31/2000	Harlan Sexton	50277-450	4124

20277 7590 12/05/2002

MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

GUBIOTTI, MATTHEW P

ART UNIT	PAPER NUMBER
----------	--------------

2124

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/583,747

Applicant(s)

SEXTON, HARLAN

Examiner

Matthew Gubiotti

Art Unit

2124

Handwritten initials

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because the top margin is not of sufficient size. The top margin should be of a sufficient size to allow a double-hole punch at the top of the sheet without encroaching on the figures contained on the drawing sheets. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: Incomplete listing of co-pending, commonly assigned applications. References to some co-pending U.S. patent applications do not include serial numbers (See e.g. p.6, li.24).

Appropriate correction with updated information on co-pending applications is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

Art Unit: 2124

out and distinctly claim the subject matter which applicant regards as the invention. The term "interesting" in claims 1-18 is a relative term which renders the claim indefinite. The term "interesting" is not defined by the claim, the specification does provide a standard for ascertaining the requisite degree; however, one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The examiner will treat the term "interesting" as meaning an event wherein a code element is migrated into session memory as indicated by the specification (p.21, li.11-12). The claims have been further treated below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Arsenault (U.S Pat. No. 5,408,650).

Claim 1

Arsenault teaches a method of analyzing a program comprising the steps of logging stack traces and respective tags in a log file (col.6, li.2-10; fig.2, ref.26) at respective points during the execution of the program (col.6, ln.30-36, 50-53); and

Art Unit: 2124

marking one or more interesting tags within the log file (col.2, li.61-66).

Claim 2

Arsenault further teaches producing a report based on log file (col.2, li.64-66; col.5, li.67 to col.6, li.16).

Claim 3

Arsenault further teaches identifying one or more of the stack traces associated with any of the one or more interesting tags; and producing said report based on the identified stack traces (col.3, li.11-22).

Claim 4

Arsenault further teaches identifying the last stack trace associated with any of the one or more interesting tags; and producing said report based on the identified stack traces (col.3, li.11-22; col.11, li.8-12). For a finite quantity of identified stack traces, the feature is inherent in Arsenault's system to enable specific reports to be generated (col.12, li.6-8).

Claim 5

Arsenault further teaches a method wherein the tags indicate respective addresses of allocated objects (col.4, li.24-7); and wherein the tags indicate respective addresses of migrated objects (col.6, li.30-40).

Claim 6

Art Unit: 2124

Arsenault further teaches creating a diagnostic report for a program comprising accessing a log comprising a list of stack traces and respective tags (col.6, li.2-5; fig.2, ref.26) at respective points during the execution of the program (col.6, ln.30-36, 50-53); and marking one or more interesting tags within the log file (col.2, li.61-4); and producing a diagnostic report based on the log file (col.7, li.61 to col.8, li.51; fig.2, ref.36).

Claim 7

Arsenault further teaches identifying one or more of the stack traces associated with any of the one or more interesting tags; and producing said report based on the identified stack traces (col.3, li.11-22).

Claim 8

Arsenault further teaches identifying the last stack trace associated with any of the one or more interesting tags; and producing said report based on the identified stack traces (col.3, li.11-22; col.11, li.8-12). For a finite quantity of identified stack traces, the feature is inherent in Arsenault's system to enable specific reports to be generated (col.12, li.6-8).

Claim 9

Arsenault further teaches a method wherein the tags indicate respective addresses of allocated objects (col.4, li.24-7); and

Art Unit: 2124

wherein the tags indicate respective addresses of migrated objects (col.6, li.30-40).

Claims 10-14

These claims represent an apparatus performing a method corresponding to the methods of claims 1 and 5, respectively. The claims are rejected under the same arguments as cited above, with Column 3, Lines 23 to 36 referencing the apparatus (computer-readable medium bearing instructions for analyzing a program).

Claims 15-18

These claims represent an apparatus performing a method corresponding to the methods of claims 6 and 9, respectively. The claims are rejected under the same arguments as cited above, with Column 3, Lines 23 to 36 referencing the apparatus (computer-readable medium bearing instructions for analyzing a program).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ayers (U.S. Pat. No. 6,353,924), Ueki (U.S. Pat. No. 5,428,618), Blasciak (U.S. Pat. No. 5,265,254), Kuzara (U.S. Pat. No. 5,265,254), and Huckins (U.S. Pat. No. 5,612,898). Copies of this prior art have been provided with this office action.

Art Unit: 2124

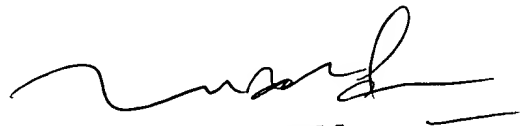
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Gubiotti whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MPG

November 26, 2002



TUAN Q. DAM
PRIMARY EXAMINER